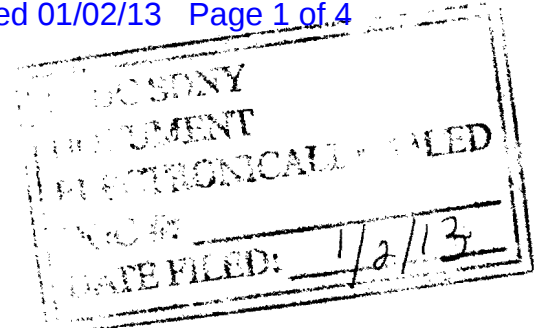


**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**In Re: Methyl Tertiary Butyl Ether ("MTBE")  
Products Liability Litigation**

**This document relates to:**

*City of Fresno v. Chevron U.S.A. Inc., et al*



**ORDER**

**Master File No. 1:00-1898  
MDL 1358 (SAS)  
M21-88**

**CASE MANAGEMENT ORDER # 108**  
(Trial Sites and Dismissed Sites)

On October 22, 2003, Plaintiff City of Fresno filed its Complaint against Defendants Chevron U.S.A. Inc., et al, in the Superior Court for the State of California, San Francisco County, alleging that Defendants were liable for contaminating the City of Fresno's public drinking water supplies with MTBE and TBA.<sup>1</sup> The case was removed to federal court and transferred to this court, where discovery and pretrial matters have been proceeding. After the conclusion of all discovery related to Plaintiff's causes of action and the sources of the alleged MTBE and TBA contamination, on August 16, 2012 at the Status Conference the Court ordered Plaintiff to identify (a) the sites at which Plaintiff will pursue claims at trial and the Defendants against which it will assert those claims for each site, (b) the sites at which Plaintiff is dismissing all claims with prejudice, and (c) the sites at which Plaintiff is dismissing all claims, but at which the Parties dispute whether the dismissal should be with or without prejudice. On October 5, 2012, Plaintiff served a revised station matrix identifying these three categories.

After considering the foregoing, the revised station matrix, and the arguments of counsel, it is hereby **ORDERED** that:

---

<sup>1</sup> Plaintiff filed a First Amended Complaint on October 28, 2004.

A. Plaintiff may only assert claims at trial for the following sites and only against the Defendant(s) identified for each site. This matrix may be modified to delete sites and/or Defendants, but cannot be revised to add sites and/or Defendants.<sup>2</sup>

Station Name and Address	Defendant(s)
M & S Texaco, 2619 S. East Avenue	Kern Oil, Lyondell, Shell
Tosco #30587, 1610 N. Palm	Chevron, Coastal, ConocoPhillips, Kern Oil, Lyondell
7-Eleven #19198, 1596 N. Palm Avenue	Citgo
Valley Gas, 2139 South Elm Street	Arco, Duke, Kern Oil, Tesoro, Valero
Chevron #9-4374, 1160 Fresno Street	Chevron, Coastal, Kern Oil, Lyondell
Shell (1212), 1212 Fresno Street	Kern Oil, Lyondell, Shell
Unocal #6353, 1418 E. Shaw	Chevron, Coastal, ConocoPhillips, Kern Oil, Lyondell
U&A Gas & Food Mart, 2929 N. Blackstone	Tesoro
Ratcliff Gas, 2145 Blackstone Avenue	Arco
Beacon #537, 798 West Gettysburg, Clovis	Arco, Valero
Gilbert's Exxon, 4142 East Church	Coastal, Exxon, Lyondell
Van Ness Auto, 2740 North Van Ness	Chevron, Coastal, Duke, Kern Oil, Lyondell
Smith Tank Lines (Former Carey Oil), 30 E. Divisadero Street	Duke, Kern Oil, Valero
Red Triangle, 2809 South Chestnut Avenue	Coastal, Duke, Exxon, Kern Oil, Lyondell, Nella, New West, Tesoro, Valero
Chevron #9-9093, 3996 N. Parkway Drive	Chevron, Coastal, Kern Oil, Lyondell
Tosco #39118, 1605 N. Cedar	Chevron, Coastal, ConocoPhillips, Kern Oil, Lyondell
Beacon #3519, 4591 E. Belmont Avenue	Arco, Duke, Kern Oil, Valero
Beacon-Arco #615, 1625 Chestnut Avenue	Arco, Duke, Kern Oil, Valero

<sup>2</sup> Notwithstanding the Parties' agreement to present this proposed Order to the Court, Defendants make no admissions as to the accuracy of the matrix, dispute Plaintiff's designation of particular Defendants at particular sites, and dispute and deny the claims asserted at *all* sites.

Exxon Service Station, 4594 East Tulare Street	Arco, Coastal, Duke, Exxon, Kern Oil, Lyondell, Valero
7-Eleven #13917, 3645 Olive Avenue	Citgo

B. The following sites shall be dismissed with prejudice.

<b>Station Name and Address</b>
Tosco Circle K #8374, 247 E. Olive Avenue
Former Unocal, 794 W. Shaw, Clovis
Arco #610, 4192 North Fresno Street
Gas 4 Less, 3076 East Gettysburg
Classic Car Wash, 5785 N. First
Beacon Fifth Wheel Truck Stop, 3767 South Golden State
Cor-O-Lite Block, Inc., 4569 East Florence Avenue
J&C Food & Gas, 2394 South Elm Avenue

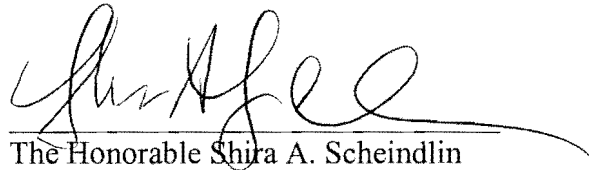
C. After hearing argument of counsel, the Court gave Plaintiff the option to either dismiss the following sites with prejudice or pay the costs Defendants incurred with respect to these sites. After having been provided a good faith estimate of those costs, Plaintiff elected not to pay such costs. Plaintiff has agreed to dismiss these sites, but believes they should be dismissed without prejudice. Based on the arguments of counsel and the relevant legal authorities, the Court hereby orders that the following sites shall be dismissed with prejudice.

<b>Station Name and Address</b>
Family Express Food & Liquor, 4205 E. Butler Avenue
G&K Mini Mart, 4090 South Chestnut
Whirlwind Car Wash, 225 North H Street
Unocal, 101 N. Roosevelt

Dave's Exxon, 1703 W. Olive
Shell, 1014 E. Bullard
Texaco, 5756 N. 1st Street
Quality Food n Gas, 4602 E. Church
7-Eleven # 16970, 2397 S. Chestnut
Silvas Currie Bros., 3217 E. Lorena
Herndon 76, 7010 N. West Avenue

C. The Order of Dismissal is attached as Exhibit A.

SO ORDERED:



The Honorable Shira A. Scheindlin

DATED: New York, New York  
January 02, 2013